

James Smith (SBN 190050)
Damien P. Lillis (SBN 191258)
Martin L. Pitha (SBN 192447)
SMITH LILLIS PITHA LLP
400 Montgomery Street, Suite 501
San Francisco, California 94104
Telephone: (415) 814-0405
Facsimile: (415) 217-7011
jsmith@slplawfirm.com

Attorneys for Plaintiffs
JESSE HELTON, ALISHA PICCIRILLO,
CHAD LOWE, individually and on behalf
of all others similarly situated

Malcolm Leader-Picone
BARTLETT, LEADER-PICONE &
YOUNG LLP
2201 Broadway, Suite 803
Oakland, CA 94612
Telephone: (510) 444-2404
Facsimile: (510) 444-1291

Attorneys for Defendants
JULIAN EGGBRECHT, HOLGER SCHMIDT
and THOMAS ENGEL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JESSE HELTON; ALISHA PICCIRILLO;
CHAD LOWE; individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

FACTOR 5, INC.; FACTOR 5, LLC;
BLUHARVEST, LLC; WHITEHARVEST,
LLC; JULIAN EGGBRECHT; HOLGER
SCHMIDT; THOMAS ENGEL; and DOES
1-100,

Defendants.

Case No. 4:10-cv-4927 SBA

**STIPULATION AND [PROPOSED]
ORDER FOR SCHEDULING
MATTERS RELATED TO
INDIVIDUAL DEFENDANTS'
MOTION FOR SUMMARY
ADJUDICATION**

Plaintiffs Jesse Helton, Alisha Piccirillo, and Chad Lowe ("Plaintiffs") and Defendants
Julian Eggebrecht, Holger Schmidt, and Thomas Engel ("Individual Defendants") hereby

1 jointly apply, by way of stipulation, for an Order concerning a briefing schedule for the
 2 Individual Defendants' recently filed Motion for Summary Adjudication and related scheduling
 3 issues.

4 The Individual Defendants filed their Motion for Summary Adjudication on October 20,
 5 2011. Plaintiffs served the Individual Defendants with deposition notices for October 31, 2011
 6 through November 2, 2011. The Individual Defendants and their counsel have indicated they
 7 are unavailable for deposition until December 13, 2011. The Motion for Summary
 8 Adjudication is scheduled for a hearing on March 6, 2012. Plaintiffs' opposition to the motion
 9 is currently scheduled for November 4, 2011.

10 It is hereby stipulated and agreed by and between the parties, through their respective
 11 attorneys of record, as follows:

- 12 1. The Individual Defendants will make themselves available for depositions
 13 on December 13, 14, and 15, 2011, commencing at 9:00 a.m.
- 14 2. Per FRCP 30(d)(2) the deposition shall be limited to seven hours.
- 15 3. Current deadlines for the Individual Defendants' Motion for Summary
 16 Adjudication are vacated.
- 17 4. Plaintiffs' Opposition to the Individual Defendants' Motion for Summary
 18 Adjudication shall be filed and served no later than January 9, 2012.
- 19 5. The Individual Defendants' Reply papers shall be filed and served no later
 20 than January 24, 2012.

21 The parties to this stipulation believe that good cause exists and agree to this briefing and
 22 deposition schedule.

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1 **IT IS SO STIPULATED:**

2 Dated: October 27, 2011

SMITH LILLIS PITHA LLP

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5 By: / s /
6 JAMES SMITH


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8 Dated: October 27, 2011

BARTLETT, LEADER-PICONE & YOUNG

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10 By: / s /
11 MALCOLM LEADER-PICONE

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14 **IT IS SO ORDERED**

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16 Dated: October 28, 2011


17 SAUNDRA BROWN ARMSTRONG
18 UNITED STATES DISTRICT JUDGE
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